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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,010	07/10/2001	Lee A. Walker	922-140	7649
23117	7590	01/10/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
			EXAMINER HOSSAIN, TANIM M	
			ART UNIT 2145	PAPER NUMBER

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/901,010

Applicant(s)

WALKER ET AL.

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,12,13,15,19,20 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,13,15,19,20 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 12, 13, 19, 20, and 24 are rejected by Best (U.S. 6,118,796) in view of Houh (U.S. 2002/0015387), in further view of Chase (2003/0161328).

As per claim 1, Best teaches a method of checking configurations on a network, including performing automated remote monitoring of each of a plurality of managed devices in the network, the remote monitoring comprising: accessing configuration information for each managed device and its respective associated line to a respective other device, said configuration information indicating for said managed device and said respective other device a respective duplex state and data transmission speed (column 10, lines 38-55, where the duplex state is controlled and supervised; column 4, lines 7-20, where the automatic detection of configuration parameters is disclosed; column 24, lines 40-67, where the monitoring of data transmission speed takes place); applying a series of interrogations to the configuration information to determine whether said each device and associated line conform to at least one predetermined configuration

criterion for each of said duplex state and data transmission speed (column 4, lines 23-61, where querying of the system takes place to determine the type of device and switches, in which, based on predetermined criteria, determination of correspondence to the appropriate SPID is performed). Best does not specifically teach the explicit monitoring of a plurality of ports of the managed devices. Houh teaches the monitoring of ports in a network (paragraph 0060). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to monitor the ports of the managed devices themselves, as taught by Houh in the system of Best. The motivation for doing so lies in the fact that monitoring ports in addition to the managed devices and their links themselves would extend Best's invention to include another important component in monitoring network device parameters. Both inventions are from the same field of endeavor, namely the monitoring of network resources. Best does not specifically teach the indication of a non-conformance to a certain criteria. Chase teaches the reporting and indication of a configuration non-conformity (0067). It would have been obvious to one of ordinary skill in the art to include the indication of a configuration non-conformity as taught by Chase in the system of Best-Houh. The motivation for doing so lies in the fact that indicating a non-conformance to a certain criteria would better enable a user, for example, to understand further characteristics of the managed device. All inventions are from the same field of endeavor, namely the monitoring of network devices.

As per claim 12, Best-Houh-Chase teaches a method as in claim 1, in which the interrogations determine whether said each port and a port at the other end of said associated link are running the same duplex mode (column 24, lines 40-67).

As per claim 13, Best-Houh-Chase teaches a method as in claim 12, in which the interrogations determine whether ports at both ends of the link are capable of full duplex (column 4, lines 42-61; column 24, lines 40-67).

As per claim 19, Best-Houh-Chase teaches a method as in claim 1, in which the interrogations determine whether auto-negotiation is switched on at both ends of the link (column 25, lines 1-62).

As per claim 20, Best-Houh-Chase teaches a method as in claim 19, in which the interrogations determine whether said each port has been set to run at a fixed speed less than its maximum capability with auto-negotiation (column 25, lines 1-62).

Claim 24 is rejected on the same basis as claim 1.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Best-Houh-Chase in view of Malalur (U.S. 6,879,588).

As per claim 15, Best-Houh-Chase teaches a method as in claim 1 in which said respective other device is a managed device and said series of interrogations determine link characteristics, and whether these links are enabled (column 15, lines 42-60; column 10, lines 38-55; column 4, lines 7-20; column 24, lines 40-67). Best does not specifically teach the determination of trunk links and whether they are enabled. Malalur teaches the automatic detection and enabling of trunk links (column 25, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to detect, through queries, the existence of trunk links and whether they are enabled, as taught by Malalur in the system of Best. The motivation for doing so lies in the fact that having a trunk link detection

system would add another functionality to Best's system, allowing for further versatility. Both inventions are from the same field of endeavor, namely the efficient configuration of network components.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145



**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**